

Annapolis Police Department



GENERAL ORDER

Number: C.26

**Issue Date: April
2008**

TO: All Personnel

SUBJECT: Extradition

PURPOSE

The purpose of this General Order is to establish guidelines for the extradition of arrested persons, the issuing of fugitive warrants and detaining subjects for bail bondsman.

POLICY

It shall be the policy of the Annapolis Police Department to follow extradition guidelines set forth by the Anne Arundel County State's Attorney's Office and the State of Maryland.

DEFINITIONS

1. **Extradition** - Legal surrender of an alleged criminal to the jurisdiction of another state, country or government for trial.
2. **Asylum** - Protection and immunity from extradition granted by a government to a foreign political refugee.
3. **Writ of Habeas Corpus** - A writ issued to bring a person before a court or judge in order to release that person from unlawful restraint or detention.
4. **Fugitive Warrant** - A warrant which is applied for based on the charges from the demanding state which allows the State of Maryland to hold the person for the demanding state. This is usually done in conjunction with extradition proceedings.

I. Process of Extradition When Fugitive is Arrested in Maryland and has no Local Charges

Upon confirmation of the warrant, the fugitive is arrested.

- A. Send a teletype hit confirmation to demanding jurisdiction and get a return confirmation that the warrant is active.
- B. Get a TTY from the demanding jurisdiction and request a contact persons name, telephone number, charges and statement advising that the jurisdiction will extradite. If the jurisdiction is unable to TTY, a fax copy can be accepted. Assure that there is extradition approval from the requesting state.
- C. The charging officer should charge the fugitive using form DC CR 30 (Charge against Fugitive). Present this with a copy (as described in section IV) of the teletype (TTY) or fax to the District Court Commissioner at the initial hearing. The District Court Commissioner will then issue a commitment order and will give the commitment order and the TTY to the officer. The officer will then use this to commit the fugitive to the Detention Center.
- D. The fugitive will then have a bail review the next court day, where the fugitive decides whether or not to waive extradition. In most cases the demanding jurisdiction has 30 days to pick up the fugitive or present our Governor with a Governor's Warrant for the fugitive. If the fugitive waives extradition, the demanding jurisdiction usually has 10 days to take the fugitive into custody.
- E. When the fugitive does not waive extradition, the demanding jurisdiction will be given a 60 day extension for the formal paperwork to be completed and the Governor's Warrant for the surrender to be issued.
- F. If the fugitive refuses to sign a waiver, the fugitive is advised by a judge that they have a reasonable amount of time (10 days) to file a Writ of Habeas Corpus in Circuit Court.
- G. The fugitive may contest the extradition due to the paperwork from the demanding State is not legally sufficient. If contested the fugitive will be given another trial date in District Court for a final hearing. If the fugitive has not filed a Writ in Circuit Court, the fugitive will be ordered to be returned to the demanding state.
- H. When the Writ of Habeas Corpus is filed in Circuit Court, a hearing will be scheduled. If the Circuit Court Judge finds that everything is in order, the judge will order the subject to be returned to the demanding state.
- I. The fugitive has one last appeal process in Maryland. A writ must be filed with the Maryland Court of Appeals. If the Court of Appeals finds in favor of the State of Maryland, the fugitive is ordered returned to the demanding state.
- J. The demanding State has 30 days to pick up the fugitive from the date the fugitive

warrant is served.

II. Process when a Maryland Fugitive is Arrested in another State

- _____A. The fugitive is arrested in an asylum State. Local charges have to be adjudicated. The 30 days begin from the date the fugitive warrant is served.
1. The Court Liaison Officer or his/her designee will file a detainer with the asylum State.
 - a. The Court Liaison Officer or his/her designee or a Police Communications Operator will teletype the detainer to the holding jurisdiction, follow-up by faxing a copy of the warrant and a letter of detainment. The letter or TTY will indicate that according to the State's Attorneys guidelines for extradition the Department will extradite. Guidelines for extradition are available in Communications and with the Court Liaison Officer.
 - b. As soon as possible but no later than the next business day the Court Liaison Officer or his/her designee will fax to the State's Attorneys office an "Urgent Request for Extradition Form" This is a State's Attorneys form that will be used to determine if the State's Attorneys Office will extradite the fugitive. If approval is given (the form should be dated and signed by an authorized State's Attorney), the approval will expire in six months from the date it was signed/approved.
 - c. The Court Liaison Officer or his/her designee will follow up with a telephone call/e-mail to the State's Attorneys office on the next business day to ensure that the request is being processed.
 - _____2. Upon the receipt of authorization, The Court Liaison Officer or his/her designee will notify the asylum State that we have authorization from the Anne Arundel State's Attorney's Office to extradite. Once the Court Liaison Officer or his/her designee receives the "Urgent Request for Extradition Form" back from the States Attorney's Office, the Court Liaison Officer or his/her designee will then fax this to the asylum state.
 - _____a. If the fugitive waives extradition, have the holding jurisdiction fax a copy of the waiver forwarding the fax to the Court Liaison Officer or his/her designee. Request teletype or faxed message when local charges are cleared and fugitive can be transported. The Department will have 10 days to the pick up the fugitive, once the fugitive waives extradition.
 - _____b. Request directions for transporting officer. Provide four copies of charging documents to transporting officer.

- c. If the location of the transport is a one day round trip, the Department will arrange for the transport.
 - d. If the asylum State is more than a one day round trip, the Department will arrange for a transport or courier transport.
- B. For a fugitive who does not waive extradition, The Court Liaison Officer or his/her designee will;
 - 1. The holding jurisdiction will notify the Department that the fugitive did not waive extradition. The Court Liaison Officer or his/her designee will notify the States Attorney's Office who will apply for a Governors warrant. The States's Attorneys Office has 90 days to obtain a Governors warrant.
 - 2. The State's Attorney's Office will need the following information in order to apply for a Governor's warrant. The court Liaison Officer or his/her designee will be responsible gathering the following documents/information:
 - a. Two photographs that have been stamped "True Tested" (must display the Department Seal).
 - b. Two sets of fingerprints that have been stamped "True Tested" (must display the Department Seal).
 - c. Last known address of the fugitive.
 - d. When a photograph is not available, get a copy from the asylum State and have the identity confirmed and affidavit supplied by the Maryland officers or witnesses.
- C. When a fugitive is arrested in the District of Columbia
 - 1. If the waiver is signed, Maryland law enforcement officials have 72 hours to pick up the fugitive (excluding Saturday, Sundays and Holidays).
 - 2. If the fugitive chooses to have an extradition hearing, a date within 30 days will be set at the time of arraignment.
 - 3. The Court Liaison Officer or his/her designee will submit an "Urgent Extradition Request Form" to the State's Attorneys Office following the same procedures as outlined in II A of this policy.

III. Responsibilities of the Court Liaison Officer

- A. All extradition proceedings to return a wanted person to the City of Annapolis will be handled by the Court Liaison Officer or his/her designee as he/she would know about any pending extradition proceedings. No other unit should initiate such

proceedings unless authorized by the Office of the Chief.

- B. All extraditions are derived from the presentation of all facts to the Anne Arundel County State's Attorney's Office. Immediately following authorization by the State's Attorney's Office, teletypes etc., are sent to the holding jurisdiction and copies of the warrant will be sent in as a detainer to the agency having jurisdiction in the area where the fugitive is located.
1. After the detainer is sent, if the suspect waives extradition, we will return the fugitive immediately.
 2. File extradition request and detainer. Ensure that the State's Attorneys Office has the photographs, fingerprints, last known address and anything else that may be needed to proceed with the Governor's warrant.
 3. Establish contact with the demanding jurisdiction to insure the extradition process has been initiated and is in compliance with the law.
 4. Maintain a complete file on all fugitive arrests including teletypes, fugitive warrant and all documents relating to the subject's return to the demanding jurisdiction.

IV. Fugitive Warrant

_____ When a fugitive is arrested by Annapolis Police personnel:

Verification is received from the demanding state indicating that they will extradite. Verification can be in the form of a teletype, faxed letter with a copy of the warrant or via the mail.

1. The fugitive warrant should not be served until local charges have been adjudicated. When the officer transports the fugitive to the District Court Commissioner, the officer will take the TTY and the completed DC CR30 Form.
2. The District Court Commissioner will issue a fugitive warrant and then give the officer the face sheet of the warrant. The face sheet and the TTY will be used as a detainer when the fugitive is taken to the detention center. When the Records Section receives the actual warrant, the Court Liaison Officer or his/her designee will file a formal detainer on the fugitive.
3. Once the local charges are satisfied the Department will be notified that the fugitive warrant is ready to be served. The Records Section or Communications must reconfirm with the demanding jurisdiction that the warrant is still active and the jurisdiction is still willing to extradite. This must be indicated in a TTY or a signed fax from the demanding jurisdiction.

4. The processing (fingerprinting, photographing, etc) of the fugitive will follow established procedures.
5. Should the demanding jurisdiction no longer be willing to extradite, the Court Liaison Officer or his/her designee will be notified so that this information can be documented in the Records Management System indicating "Extradition Denied". The Court Liaison Officer or his/her designee will retain all the information for a period as designated by the Police Records Supervisor. The Court Liaison Officer or his/her designee will have the detainer lifted and then will notify the State's Attorneys Office and request that the warrant be Nolle Pros.
6. When the fugitive warrant is served, the demanding jurisdiction has 30 days to pick up the fugitive or present the Governor with a Governor's warrant for the fugitive.

V. Detaining Subjects for a Bail Bondsman

- A. The Bail Bondsman/private citizen delivers the subject to the Department.
- B. This will be treated as an arrest. A Holding Facility Intake Form will be completed and the subject will be entered into the criminal/traffic arrest docket. The subject will be given an Identification number as according to established policy. The subject will also be photographed and fingerprinted on a City fingerprint card.
- C. The subject may be held up to two (2) hours, as this is sufficient time for the bail bondsman/private citizen to obtain commitment papers.
- D. When the bail bondsman/private citizens delivers the commitment papers to the Department, a copy of the commitment papers will be attached to the Holding Facility Intake Form.
- E. The arresting officer or another designated officer will transport the subject to the Detention Center.
- F. Record personnel will handle the paperwork in the same manner as they handle warrant arrests.

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards: None

Revision: This is a new General Order